

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9703/2026
CNR: RJHC020500972026 | URN: CW / 21674U / 2026

Mittal Commerce Classes Pvt. Ltd., Having Its Registered Office At 12, Rishi Colony, Near Gandhi Nagar Railway Station, Gate No. 2, Tonk Road, Jaipur, Rajasthan. Acting Through Its Director/authorized Signatory Manoj Kumar Gupta.

----Petitioner

Versus

1. Union Of India, Through The Secretary, Department For Promotion Of Industry And Internal Trade (DPIIT), Ministry Of Commerce And Industry, Udyog Bhawan, New Delhi.
2. The Registrar Of Trademarks, Trademark Registry Office, Government Of India, Ahmedabad.
3. Controller General Of Patents, Designs And Trade Marks, Bodhik Sampada Bhawan, S M Road, Antop Hill, Mumbai.
4. Kreate Energy (I) Pvt. Ltd., (Formerly Known As Mittal Processors Private Limited), Opposite Sanjay Gandhi Eye Hospital, G.t. Road, Sewah, Panipat - 132103 (Haryana).

----Respondents

For Petitioner(s)	:	Mr. Vikas Kabra
For Respondent(s)	:	Mr. C.S. Sinha,CGC

HON'BLE MR. JUSTICE MANEESH SHARMA
Order

14/09/2026

1. The present writ petition has been filed seeking the following reliefs:

"In view of the facts and circumstances stated hereinabove, it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- a) Issue an appropriate writ, order or direction, more particularly in the nature of Writ of Mandamus, directing Respondent No. 2 to expeditiously hear, adjudicate and finally dispose of pending Trademark Application No. 3944189 relating to the trademark "MITTAL COMMERCE CLASSES" along with connected Opposition No. 1043339, strictly in accordance with law and preferably within a stipulated time period of 30 Days.*
- b) Direct Respondent No. 2 to act in compliance with the mandate of Rule 50 of the Trade Marks Rules, 2017 and conclude the pending trademark proceedings without granting unnecessary adjournments or causing further avoidable delay;*
- c) Pass any other appropriate writ, order or direction which this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the present case, in favour of the petitioner; and"*

2. Learned counsel for the petitioner submits that the petitioner is a duly incorporated company, and is the registered proprietor of Trade Mark No. 2039137 dated 18.10.2010, engaged in the field

of imparting educational coaching and training services. It is submitted that the petitioner thereafter filed a fresh trademark application bearing Application No.3944189 in Class 41 for the same/associated mark 'Mittal Commerce Class' before the Trade Marks Registry, Ahmedabad, on 13.09.2018. That despite the completion of pleadings, the filing of the opposition, and the filing of evidence, the said application remains undecided to date, and its prolonged pendency has caused grave prejudice to the petitioner. Learned counsel further submits that, in terms of Rule 50 of the Trade Marks Rules, 2017, it is incumbent upon the respondent authorities to dispose of trademark applications expeditiously. It is accordingly prayed that the writ petition be allowed and that Respondent No. 2 be directed to decide the pending application and opposition expeditiously, in the spirit of Rule 50 of the Trade Marks Rules, 2017.

3. *Per contra*, learned counsel for the respondents submits that a writ petition seeking to expedite pending proceedings, in the present form and manner, is not maintainable. It is further submitted that since the petitioner has not filed an application under Rule 34 of the Trade Marks Rules, 2017, the petitioner is not entitled to the relief sought. On this basis, dismissal of the writ petition is prayed for.

4. Heard learned counsel for the parties and perused the material available on record.

5. A perusal of the record reveals that the petitioner filed Trademark Application No. 3944189 in respect of the trademark 'Mittal Commerce Classes' on 13.09.2018, against which Opposition No. 1043339 was filed on 04.05.2020. Upon

completion of the pleadings of both parties, the matter was posted for evidence; however, nothing further has transpired despite the passage of more than six years.

6. The Trade Marks Rules, 2017 provide a complete statutory mechanism governing applications for registration of a trademark, oppositions thereto, and their subsequent acceptance or rejection. Rule 50 of the Trade Marks Rules, 2017 is reproduced below for ready reference:

"50. Hearing and decision. — (1) *The Registrar, after the closure of the evidence, shall give notice to the parties of the first date of hearing. The date of hearing shall be for a date at least one month after the date of the first notice.*

(2) *A party to a proceeding may make a request for adjournment of the hearing with reasonable cause in Form TM-M accompanied by the prescribed fee, at least three days before the date of hearing and the Registrar, if he thinks fit to do so, and upon such terms as he may direct, may adjourn the hearing and intimate the parties accordingly:*

Provided that no party shall be given more than two adjournments and each adjournment shall not be for more than thirty days.

(3) *If the applicant is not present at the adjourned date of hearing and at the time mentioned in the notice, the application may be treated as abandoned.*

(4) *If the opponent is not present at the adjourned date of hearing and at time mentioned in the notice, the opposition may be dismissed for want of prosecution and the application may proceed to registration subject to section 19.*

(5) *The Registrar shall consider written arguments if submitted by a party to the proceeding.*

(6) *The decision of the Registrar shall be communicated to the parties in writing at the address given for service."*

7. A perusal of the aforesaid Rule makes it evident that, upon closure of evidence, notice of the first date of hearing must be issued to the parties for a date at least one month after the date of such notice. Further, under sub-rule (2) of Rule 50, where a party seeks an adjournment with reasonable cause, in the prescribed Form TM-M, at least three days before the hearing, the

Registrar may grant the same. However, the proviso to Rule 50(2) imposes a strict embargo, limiting each party to a maximum of two adjournments, with each adjournment not exceeding thirty days. This strict statutory timeline evinces a clear legislative intent to provide a complete and time-bound mechanism for the expeditious disposal of trademark registration applications, leaving no room for unnecessary or avoidable delay.

8. The contention raised on behalf of the respondents, that the relief sought cannot be granted merely on account of the petitioner's failure to file an application under Rule 34 of the Trade Marks Rules, 2017, cannot be accepted. The mere procedural omission of not having moved a formal application for expediting the proceedings under Rule 34 cannot operate as an absolute bar to the petitioner seeking relief, before this Court, for the expeditious disposal of its trademark application.

9. Further, on a similar controversy, a Co-ordinate Bench of this Court, in ***Mrs. Nirmala Kabra Vs. The Registrar of Trade Marks & Anr.***¹, has held as under:

"9. Excessive delays in resolving the applications seeking registration of Trademark indeed undermines the very purpose of filing such applications. When the matter is unnecessarily prolonged, it can lead to a number of negative consequences, including the loss of evidence and increased costs along with a sense of injustice to the parties involved.

When the applications drag on for an extended period without resolution, it can erode public confidence in the fairness and efficiency of the prescribed system.

Prolonged delays can be particularly harmful to parties who are seeking a resolution to their case, as it can keep them in a state of uncertainty and prevent them from moving forward with their lives and businesses.

Excessive delays in disposal of the applications amounts to violation of principles of natural justice which requires that the statutory procedure should be conducted fairly and in a timely manner.

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10. Trademark Registration Application cannot be allowed to remain pending for decades. The Registrar of Trademarks is not expected to keep these applications pending for an indefinite period and indefinite time. The respondent-Registrar is expected to decide the application in a reasonable time.

The right of speedy and expeditious disposal of these applications is one of the most valuable and cherished rights of the applicant guaranteed under Article 21 of the Constitution of India. It is an integral and essential part of the fundamental right to life and enshrined under Article 21"

10. The right to a speedy and expeditious hearing, and the timely disposal of statutory applications, is an inalienable right of every litigant. Such a valuable right cannot be curtailed or defeated on the altar of procedural technicalities. Having regard to the fact that the petitioner's application dated 13.09.2018 has remained pending for the last eight years, and the opposition dated 04.05.2020 for over six years, this Court deems it appropriate to direct the Registrar of Trade Marks to decide the petitioner's application expeditiously.

11. Accordingly, the present writ petition is allowed. Respondent No. 2, the Registrar of Trade Marks, Ahmedabad, is directed to make an endeavour to decide the pending Trademark Application No. 3944189, along with Opposition No. 1043339, expeditiously, and preferably within a period of four months from the date of receipt of a certified copy of this order.

12. As a necessary corollary, all pending applications, if any, shall stand disposed of.

(MANEESH SHARMA),J